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29 JUL 1988

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UNITED STATES OF AMERICA

24th June 1988

Our ref: PAS/CS/26046
Your ref: PM 653 EPO

Dear Art,

COPY

European Patent Application No.83308033.6
Your ref: PM 653 EPO - Our file: 26046

I enclose a copy of an official action received from the European Patent Office which has a short term for reply expiring on 21st August.

The Examiner now argues that although British Specification 1,055,445 does not disclose your invention it does disclose formation of an extruded smoking article using a wet blend and that the Canadian specification supplies what is missing in the British specification. I think that this is simply not the case. The Canadian specification does deal with the extrusion of a sheet and it does refer as the Examiner points out to the possibility of using expanding agents including in particular water. However, there is no suggestion that I can see that the water is converted into steam in the course of the extrusion process in order to produce an expanded porous product. In fact the only example which uses expansion is Example 6 in which the expansion is effected by use of a mould in a compression press and rapid opening of the mould . There is in this example no extrusion.

The Examiner also relies on U.S. 4,333,484 as disclosing extrusion of a wet blend through a multi hole die but of course the wet blend in that case does not contain any tobacco or tobacco product. Thus this disclosure is essentially irrelevant.

I would propose to respond to the Examiner with arguments on the general lines indicated and despite the fact that none of the documents are really closely relevant it may be advisable to submit a revised form of claim. There seems to be some danger that the Examiner is going to reject this application and that we shall only be able to make progress by an appeal against rejection.

An alternative might be for me to discuss the case with the Examiner and as I am expecting to go to Munich for an Appeal Hearing some time in August it may be possible to visit the Examiner at the same time. My plans are not finalised at the moment but I should be grateful for your early comments so that if I am to try and discuss the case with the Examiner I shall be able to contact him and arrange a convenient date for a meeting.

Yours sincerely,

Encs: Copy letter

R&G

P.A.SMITH

Patents : Trade Marks : Designs : Design Counsel

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